IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

Bail Appl..No. 1915 of 2007()

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CRIME NO.71/2007 OF ANCHAL POLICE STATION

PEITITONER.

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KRISHNAKUMAR, S/O.RADHAKRISHNAN NAIR,
AGED 30 YEARS, PALOTTU KOYCKKAL PUTHEN VEEDU,
EARAM, THADIKKADU P.O., KOLLAM DISTRICT.

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENTS: COMPLAINANT.

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1. STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
ANCHAL POLICE STATION,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V.RAMKUMAR, J.**

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Bail Application No. 1915/2007

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Dated this 2nd day of April, 2007

**O R D E R**

The petitioner, who is the second accused in Crime No.71/2007 of Anchal Police Station for offences punishable under Sections 366 and 376 IPC read with Section 34 IPC seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 7.00 p.m on 10.3.2007, the defacto complainant, who is a 33 year old widow and having slight mental problems, was waiting at Panayamchery bus stop. She actually wanted to get down at Erom but had got down from the bus at Panamchery bus stop. Seeing her, the first accused befriended her and took her in an autorikshaw telling her that he would drop her at the destination. On the way, the second accused also joined A1 and she was taken to the house of the second accused whose family had gone out. From the rear portion of the said house, both A1 and A2 satiated their lust in the lady.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail ordered by the Magistrate having jurisdiction. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 9.4.2007 and 11.4.2007 for the purpose of interrogation and potency test. The petitioner shall thereafter, be produced on the same day before the Magistrate having jurisdiction, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same day on which it is filed.

The application is disposed of as above.

**V.RAMKUMAR,**
**JUDGE**

mrcs